



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 4, 1996

Ms. Merrie Schneider-Vogel  
Bracewell & Patterson  
South Tower Pennzoil Place  
711 Louisiana Street, Suite 781  
Houston, Texas 77002-2781

OR96-0874

Dear Ms. Schneider-Vogel:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. This request was assigned ID# 39973.

The La Marque Independent School District (the "district") received a request for information concerning an alleged sexual assault investigated by the district's police department. You state that the case is still under police investigation, that a suspect has been arrested, and that there is a pending grand jury investigation. You assert that the information at issue is excepted from disclosure under section 552.108, which provides an exception from disclosure for:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation or prosecution of crime . . . .

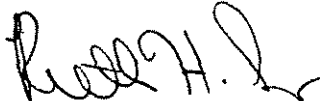
(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . .

Since the information at issue relates to an active investigation, it may be withheld from disclosure at this time pursuant to section 552.108. *See* Attorney General Opinion MW-446 (1982) at 2 (evidentiary information excepted from disclosure "during the pendency of the investigation and prior to the prosecution of the case"); *see also* Open Records Decision No. 612 (1992) at 3 (records of campus police department may be withheld from disclosure under section 552.108). We note, however, that once a case is closed the information may generally be withheld under section 552.108 only if its release

would unduly interfere with law enforcement and crime prevention. Open Records Decision Nos. 518 (1989) at 6; 434 (1986) at 2; 216 (1978) at 4.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 39973

Enclosures: Submitted documents

cc: Blair Brininger  
Four Houston Center, Suite 1329  
1221 Lamar Street  
Houston, Texas 77010  
(w/o enclosures)

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<sup>1</sup>You have also asserted that the information is excepted under the informer's privilege as protected under section 552.101. We do not address this issue since we have determined that the responsive records information may be withheld under section 552.108. We also note that some of the information at issue may be otherwise confidential and thus could not be released even when section 552.108 is no longer applicable.